

AO 93 (Rev. 11/13) Search and Seizure Warrant

UNITED STATES DISTRICT COURT
for the
District of South Dakota

In the Matter of the Search of

USA v. 23-74-05

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Case No. 5:23-mj-85

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the District of South Dakota (*identify the person or describe the property to be searched and give its location*):

See **ATTACHMENT A**, attached hereto and incorporated by reference.

I find that the Affidavit, or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal (*identify the person or describe the property to be seized*):

Evidence of a crime in violation of 21 U.S.C. §§ 846, 841(a)(1) and 844, as described in **ATTACHMENT B**, attached hereto and incorporated by reference.

I find that the Affidavit, or any recorded testimony, establishes probable cause to search and seize the person or property.

YOU ARE COMMANDED to execute this warrant on or before 5-29-23 (*not to exceed 14 days*)

in the daytime 6:00 a.m. to 10 p.m. at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to Daneta Wollmann.

(*United States Magistrate Judge*)

Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (*check the appropriate box*)

for _____ days (*not to exceed 30*). until, the facts justifying, the later specific date of _____

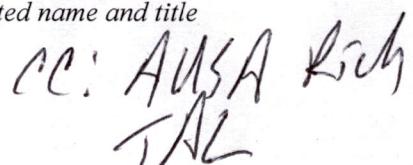
I find that good cause has been established to authorize the officer executing this warrant to not provide notice prior to the execution of the search warrant, i.e., "no knock".

Date and time issued: 5-15-23 at 10:45am


Judge's signature
Daneta Wollmann, U.S. Magistrate

Printed name and title

City and state: Rapid City, SD


cc: AUSA Rich
TAL

AO 93 (Rev. 11/13) Search and Seizure
Warrant (Page 2)

Return		
Case No.: <i>5:23-mj-85</i>	Date and time warrant executed:	Copy of warrant and inventory left with:
Inventory made in the presence of :		
Inventory of the property taken and name of any person(s) seized:		
Certification		
I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.		
Date: _____	<i>Executing officer's signature</i>	
<i>Printed name and title</i>		

UNITED STATES DISTRICT COURT

for the
District of South Dakota
Western Division

In the Matter of the Search of:

USA v. 23-74-05

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Case No. 5:23-mj-85

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (*identify the person or describe the property to be searched and give its location*):

See **ATTACHMENT A**, which is attached to and incorporated in this Application and Affidavit

located in the District of South Dakota, there is now concealed (*identify the person or describe the property to be seized*):

See **ATTACHMENT B**, which is attached to and incorporated in this Application and Affidavit

The basis for the search under Fed. R. Crim. P. 41(c) is (*check one or more*):

evidence of a crime;
 contraband, fruits of crime, or other items illegally possessed;
 property designed for use, intended for use, or used in committing a crime;
 a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

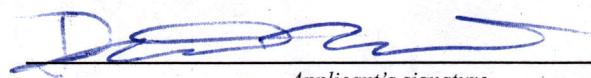
Code Section
21 U.S.C. §§ 841(a)(1) and 846

21 U.S.C. § 844

Offense Description
Conspiracy to Distribute Controlled Substance and Possession with Intent to Distribute a Controlled Substance
Possession of a Controlled Substance

The application is based on these facts:

Continued on the attached Affidavit, which is incorporated by reference.
 Your applicant requests that no notice be given prior to the execution of the search warrant, i.e., "no knock", the basis of which is set forth in the attached Affidavit.
 Your applicant requests authorization to serve the search warrant any time day or night pursuant to Fed. R. Crim. P. 41(e)(2)(A)(ii), the basis of which is set forth in the attached Affidavit.


Applicant's signature

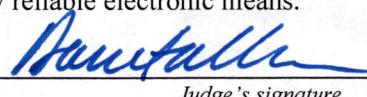
Daniel Ullrich, Postal Inspector

Printed name and title

Sworn to before me and: signed in my presence.

submitted, attested to, and acknowledged by reliable electronic means.

Date: 5-15-23


Judge's signature

Daneta Wollmann, U.S. Magistrate

Printed name and title

City and state: Rapid City, SD

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

IN THE MATTER OF THE SEARCH OF:

USA v. 23-74-05

Case No. 5:23-mj-85

FILED UNDER SEAL

REDACTED
AFFIDAVIT IN SUPPORT
OF SEARCH WARRANT

STATE OF SOUTH DAKOTA)
)
COUNTY OF PENNINGTON)

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

I, Daniel M. Ullrich, Postal Inspector, U.S. Postal Inspection Service, after being duly sworn under oath, do depose and state as follows:

This Affidavit is in support of a search warrant for USPS Priority Mail parcel bearing tracking number EI375014678US (hereafter SUBJECT PARCEL).

INTRODUCTION AND AGENT BACKGROUND

1. I am a United States Postal Inspector and have been so employed since July 2022.

In 2022, I completed a 16-week Basic Inspector Training course at the federally accredited U.S. Postal Inspection Service training center in Potomac, Maryland. I am currently assigned to the United States Postal Inspection Service (USPIS) Denver Division, specifically to a multifunction team stationed in the Rapid City, South Dakota Domicile. My duties as a U.S. Postal Inspector in Rapid City, SD, involve the investigation of narcotic violations involving the United States Mail. As a U.S. Postal Inspector one of my responsibilities include the detection and prevention of the transportation of narcotic/controlled substances through the United States Mail, to include, conducting narcotic investigations and executing arrests of individuals for

violations of Title 21, United States Code, Sections 841(a)(1), 844, (Distribution of a Controlled Substance), and 846 (Conspiracy to Distribute a Controlled Substance).

Part of my training as a Postal Inspector includes narcotic trafficking investigative techniques related to the identification and detection of the controlled substances being transported in the United States Mail.

2. The information contained within this Affidavit is based on my observations, training and experience, as well as information relayed to me by other law enforcement officers involved in this investigation. Because this Affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause for the requested warrant.
3. I know, based on my experience and the experience of other law enforcement officers I have worked with and spoken with, that the United States Postal Service (USPS) is frequently used by drug traffickers to ship controlled substances and illegal drug proceeds. Drug traffickers also use the USPS because packages they send can be assigned a tracking number, which allows them to confirm the location of their package via a toll-free number or the USPS's website.
4. Based on my experience, training, and discussions with other law enforcement officers experienced in controlled substance investigations, USPS packages containing controlled substances, or illegal drug proceeds often fit a common profile, which is derived from the methods used by shippers to balance their competing needs to ensure their packages are reliably delivered, but also to ensure that the presence of controlled substances or illegal drug proceeds is not easily

discovered by the authorities or third parties. Some of the most common indicators that a package is being used in a controlled substance transaction are listed below:

- a. It is a common practice for the shippers of the controlled substance and/or illegal drug proceeds to use Priority Mail Express and Priority Mail because the drugs or proceeds arrive faster and on a predictable date. These mail services also allow the shippers to keep track of their shipments.
- b. Packages with controlled substances or illegal drug proceeds typically contain a fictitious return address, no return address, the same address as the one listed for the addressee, or a return address that does not correspond to the neighborhood from which the package was mailed. These packages are also sometimes addressed to or from a commercial mail receiving agency (i.e., UPS Store, Etc.). Drug traffickers use these methods to hide from law enforcement the true identity of the person(s) shipping and/or receiving the controlled substance or illegal drug proceeds.
- c. Drug traffickers using the USPS to mail controlled substances or illegal drug proceeds will often make payment for the mailing with cash rather than credit or debit card. The use of cash allows the people involved in the transaction to remain anonymous and avoid detection by law enforcement.
- d. When a shipper mails controlled substances, the proceeds from the sale of these controlled substances may be returned to the shipper. These proceeds are commonly sent in the form of U.S. currency. Based on experience and discussions with other law enforcement agents, there are known drug source states, e.g., California, Colorado, Arizona, Nevada and Texas, from which

controlled substances are mailed and to which the drug proceeds would be returned.

- e. In order to conceal from trained narcotic dogs the distinctive smell of controlled substances, or U.S. currency that has been exposed to controlled substance, packages containing these substances tend to be wrapped excessively in bubble-pack, wrapping plastic, and multiple heat or vacuumed sealed bags. The seams of such packages are also often sealed with tape. Furthermore, they are often packaged so that a smaller parcel containing controlled substances is sealed around the seams, wrapped, and placed inside a larger package. Sometimes perfumes, coffee, dryer sheets, tobacco or other substances with their own distinct smell are used to mask the odor of the controlled substance being shipped. Another popular trend is for the controlled substances to be placed into re-sealed aluminum cans.
5. I know from my training and experience, as well as my discussions with other law enforcement officers, that the following controlled substances are likely to be found during successful parcel interdictions: marijuana, methamphetamine, cocaine, LSD, psilocybin mushrooms, heroin, opium, MDMA and counterfeit pills containing Fentanyl as well as the proceeds from the sale of these controlled substances.
6. I know from training and discussions with other law enforcement officers that these parcels sometimes contain information and documentation related to the sales and distribution of controlled substances. The documentation can include, but is not limited to, information and instructions on the breakdown and distribution of the controlled substances at the destination, information on the use and effects of the various controlled substances, the quality of the controlled substances, information

on the actual sender, and information and instructions for ordering future controlled substances.

7. In this search warrant application, I seek this Court's authority to search the SUBJECT PARCEL, as more fully described in ATTACHMENT A, for the items identified in ATTACHMENT B.
8. It is my request that if the contents of the SUBJECT PARCEL are revealed to be U.S. currency, money orders, monies, or proceeds and payments and also contain cover and/or concealment materials such as sealed envelopes, inner boxes, or similar related packaging materials, that law enforcement be afforded the option to seize only the non-monetary contents and related packaging or cover materials for the purpose of obtaining latent fingerprints and DNA evidence, if feasible. If this option is employed, law enforcement will then replace the cover and/or concealment materials, inner boxes, or similar related packaging materials with replica cover and/or concealment materials, inner boxes, or similar related packaging materials. The U.S. currency, money orders, monies, or proceeds and payments, will be documented via photographs and other means, then be placed back into the replica cover and/or concealment materials, inner boxes, or similar related packaging materials, and the SUBJECT PARCEL will be placed back into the United States Mail for delivery. However, if the SUBJECT PARCEL contains controlled substances, they will be removed and seized, along with any other items enumerated herein.

RELEVANT FACTS PERTAINING TO THE INVESTIGATION

9. Based on my training, experience, and the collective experiences relayed to me by other Postal Inspectors who specialize in investigations related to the mailing of controlled substances and proceeds from the sale of controlled substances, I am

aware that the State of South Dakota is a destination location for controlled substances that are regularly mailed from other states via USPS Priority Mail Express and Priority Mail.

10. As a Postal Inspector, part of a nationwide federal law enforcement agency, and specifically being domiciled in Rapid City, SD, I commonly work with other Federal Law Enforcement agencies and local law enforcement agencies.

11. Based on my training, experience, and the collective experiences relayed to me by other Postal Inspectors who specialize in investigations related to the mailing of controlled substances and proceeds from the sale of controlled substances, I am aware that California is a source location for controlled substances, that are mailed via USPS Priority Mail Express and Priority Mail.

12. On May 10, 2023, I reviewed USPS business records for [REDACTED] and identified a parcel, SUBJECT PARCEL, originating from Mojave, CA. USPS business records reflected that the parcel, shipped via USPS priority express (EI375014678US), weighed 2lbs 7oz, did not require a delivery signature, and the postage was paid for with cash.

RELEVANT FACTS PERTAINING TO THE SUBJECT PARCEL

13. On May 12, 2023, SUBJECT PARCEL was obtained for further review. I observed the SUBJECT PARCEL to contain the following suspicious characteristics:

- a. The SUBJECT PARCEL is a Priority Mail express parcel, which is an expedited mailing service that provides real time tracking and expedited delivery.
- b. THE SUBJECT PARCEL does not require a delivery signature and no phone numbers were provided.

- c. The SUBJECT PARCEL was mailed from California, which is a known drug source area.
- d. The postage affixed to the SUBJECT PARCEL was paid for with cash.
- e. The SUBJECT PARCEL is destined for the home address of a party known law enforcement to be involved in the distribution of controlled substances within South Dakota.

14. The SUBJECT PARCEL is addressed to: Jayce West, [REDACTED] Box Elder, SD 57719, with a return/sender address of Antan Phillips, [REDACTED] Lancaster, CA 93534.

CANINE EXAMINATION OF THE SUBJECT PARCEL

15. Police Service Dog (PSD) Doc is a South Dakota certified Police K-9 who is certified to search, locate, and indicate to the odors of marijuana, heroin, MDMA, psilocybin mushrooms, methamphetamine, and cocaine. PSD Doc's handler is Trooper Dennis Mez of the South Dakota Highway Patrol. Trooper Mez has been PSD Doc's handler for approximately 4 years. Trooper Mez and PSD Doc were last certified in April 2023.

16. On May 12, 2023, at approximately 12:55 PM, the SUBJECT PARCEL described above in this affidavit was placed with three empty boxes with no known controlled substances in the hallway directly outside the Rapid City Domicile, in the Rapid City Post Office. Trooper Mez had no prior knowledge of what the SUBJECT PARCEL resembled, and no labels were visible. PSD Doc was introduced by his handler, Trooper Mez, and PSD Doc walked past each of the packages, including the SUBJECT PARCEL. According to Trooper Mez, PSD Doc indicated to the odor of a narcotic substance that PSD Doc is trained to detect from the SUBJECT PARCEL, thus indicating the probable presence of narcotics, and/or money that has been

contaminated with narcotics or base odors and derivatives of narcotics. According to Trooper Mez, no other positive alerts were given by PSD Doc.

17. Based on the facts set forth in this Affidavit, your Affiant submits there is probable cause to believe that a controlled substance, or the proceeds from the sale of or for the purchase of controlled substances, are concealed in the aforementioned SUBJECT PARCEL, and seeks a search warrant directing the search of the SUBJECT PARCEL described herein and the seizure of the enclosed material relating to the distribution of controlled substances. I declare under penalty of perjury that the foregoing is true and correct.

REQUEST TO SEAL

18. I request an order sealing this case until further order of the Court, in that this search is being conducted as part of an ongoing federal criminal investigation. Disclosure of information contained in the documents incorporated in this search and filed with the Court could seriously jeopardize this ongoing investigation.

CONCLUSION

19. I submit that based on the facts set forth in this Affidavit, there is probable cause to believe the SUBJECT PARCEL described in Attachment A contains evidence, fruits, and or instrumentalities of Violations of 21 U.S.C. §§ 841(a)(1), 846 and 844. Therefore, I request permission to search the SUBJECT PARCEL in Attachment A for the evidence, fruits, and instrumentalities identified with particularity in Attachment B. Based on the foregoing, I request that the court issue the proposed search warrant.



Daniel Ullrich
U.S. Postal Inspector

Sworn to before me and: signed in my presence.

submitted, attested to, and acknowledged by reliable electronic means.

this Monday, May 15, 2023.


Daneta Wollmann
United States Magistrate Judge

REDACTED ATTACHMENT A**DESCRIPTION OF LOCATION TO BE SEARCHED**

One Bella Basics Two Slice Toaster box with USPS Priority Express Mail postage affixed bearing USPS Tracking Number EI375014678US. The parcel is addressed to Jayce West, [REDACTED] BOX ELDER, SD 57719 with a return/sender address of Antan Phillips, [REDACTED] LANCASTER, CA 93534. The parcel measures approximately 6 x 6 x 12 inches and weighs approximately 2lbs 7 oz. The parcel is currently located at the USPIS Rapid City Domicile. Below is an image of the parcel:



ATTACHMENT B

DESCRIPTION OF ITEMS TO BE SEIZED

The evidence, fruits, and or instrumentalities of violations of 21 U.S.C. §§ 846, 844, and 841(a)(1), particularly the following:

1. All controlled substances.
2. Books, records, receipts, notes, ledgers, photographs and other papers relating to the importation, transportation, ordering, purchase and distribution of controlled substances.
3. All items determined to have been used or likely to be used for the packaging, weighing, transportation, shipping, use, distribution, storage, or processing of any controlled substance.
4. All U.S. or foreign currency, or other forms of monetary instruments, or other financial commodities including precious metals, or other negotiable instruments, including re-fillable debit cards and receipts indicating the sending or possession of such cards.
5. All contact lists, ledgers, calendars, notes, spreadsheets, diaries, contact information and appointment books to identify conspirators, customers, enforcers, or suppliers potentially involved in violating 21 U.S.C. §§ 841(a)(1) and 846.
6. Books, records, receipts, bank statements and records, money drafts, letters of credit, money orders, cashier's checks, receipts, passbooks, bank checks, safe deposit box keys, storage locker keys, and other items of evidencing the obtaining, secreting, transfer, and/or concealment of assets and the obtaining, secreting, transfer, concealment and/or expenditure of money. This is meant to include any record reflecting the rental of a storage locker, rental facility, or other property, including hotel rooms, in which controlled substances could be stored.
7. Firearms, ammunition, paraphernalia associated with the possession and/or use of firearms, including but not limited to holsters, cases, or receipts indicating the purchase or sale of such items.